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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,978	07/11/2003	George S. Pantan JR.	PAN-010	2870

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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER

CONLEY, FREDRICK C

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,978

Applicant(s)

PANTON, GEORGE S.

Examiner

FREDRICK C CONLEY

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A. SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Objections

Claim 16 is objected to because of the following informalities: "Sealing" of line 8 should not be capitalized. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,715,170 to Richmond in view of U.S. Pat. No. 5,473,784 to Nixon et al., and further in view of U.S. Pat. No. 5,950,627 to Bologovsky et al.

Claim 16, Richmond discloses a method of making a spine board, comprising: injecting foam into the interior of a unitary board structure through an ingress opening (91a,91b) while providing an inherent egress for air from said interior, until said foam fills said interior completely (col. 3-4 lines 59-68 and 1-2). Richmond fails to disclose forming a pair of mating board portions together defining said board and thermo-welding one of said pair to another of said pair to define a hollow unitary board structure. Although not injecting the interior of a board structure with foam, Nixon does disclose forming a pair of mating board portions together and bonding one of said pair to another of said pair to define a hollow unitary board structure (col. 1-2 lines 64-68 & 1). It would have been obvious to form a pair of mating board portions and bond together as taught

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by Nixon in order to provide a body board with an outer plastic shell which prevents the absorption of blood. The Examiner takes Official notice the it is well known to employ thermo-welding as a bonding means, and it would have been obvious for one having ordinary skill in the art at the time of the invention to employ thermo-welding in order to bond the mating board portions of Richmond, as modified, together. Richmond also fails to disclose sealing an ingress opening. Bologovsky discloses a sealing an ingress opening of a spine board (col.8 lines 4-13). It would have been obvious for one having ordinary skill in the art at the time of the invention to seal an ingress opening as taught by Bologovsky in the spine board of Richmond in order to reduce the likelihood that the interior of the board will become a source of infection.

Claim 17, Richmond, as modified, fails to disclose the step of forming including vacuum forming a thermo-plastic material. Nixon discloses the step of forming the board portion is a step of vacuum forming a thermoplastic material (col. 8 lines 14-16)(Nixon). It would have been obvious for one having ordinary skill in the art at the time of the invention to employ the step of vacuum forming a thermoplastic material as taught by Nixon with the board of Richmond in order to form a hard outer plastic shell.

Claim 18, wherein, in the step of injecting foam, said foam inherently adheres to the interior of said unitary board structure, said unitary board structure being corrugated along runners 60 to accept the foam, thereby avoiding delaminating of the structure itself. Corrugated is defined as having alternating groves therefore the grooves formed by runners are interpreted as corrugating the unitary board structure of Richmond.

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Claim 19, wherein Richmond, as modified, discloses removing the board structure from the compression press (col. 8 lines 22-23). Richmond fails to disclose positioning said unitary board structure in a secondary mold prior to injecting said foam. Bologovsky discloses positioning a board structure in a secondary mold prior to injecting said foam (col. 7-8 lines 65 & 1-3). It would have been obvious to one having ordinary skill in the art at the time of the invention to place the unitary board structure of Richmond in a secondary mold as taught by Bologovsky in order to prevent the spine board from distorting under the injection and expansion pressures of the urethane foam.

Claim 20, wherein said foam is urethane foam (col. 3 line 68)(Richmond).

Response to Arguments

Applicant's arguments with respect to claims 16-20 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C CONLEY whose telephone number is 703-308-7468. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HEATHER SHACKELFORD can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FC




HEATHER SHACKELFORD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600